

ZB# 72-22

Foodmaker Inc.

68-3-12

P.H. Scheduled

Nov. 27th 27th

8:00 p.m.

Calpus pd.

Approved 12/18/72.

file

68-3-12

12-22

~~Continued Battle - Karenton~~

Soadmaker - Palmer

2/26/73
1:20 P.M.

GENERAL RECEIPT

1220

Town of New Windsor, N. Y.

Received of Zoning Board Feb. 26, 1973
\$25⁰⁰/₁₀₀

Seventy five and 00/100 Dollars

For Variance for Foodmaker - Alfred Palmer Jr.
#122-1972

DISTRIBUTION		
FUND	CODE	AMOUNT

Town Clerk
TITLE

BY W.D. Sinley Deputy

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

74-34
V
Foodmaker - Alfred Palmer Jr.

PUBLIC NOTICE OF HEARING BEFORE THE ZONING BOARD OF APPEALS
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York, will hold a public hearing pursuant to Section 48-33 A of the Zoning Ordinance on the following proposition: 22
 Request of Rodmaker, Inc. for a Variance of the regulations of the Zoning Ordinance to permit a Free Standing Sign being a Variance of Article V, Section 48-18, for property situated as follows: 371 New Windsor Highway, New Windsor, New York 12550.
SAID HEARING will take place on the 27th day of Nov. 1972 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8.00 o'clock P.M.
FRED WYGANT Chairman
By: Patricia Della Secretary
 Nov. 17

State of New York
 County of Orange, ss:

Olga Trachewsky, being duly sworn deposes and she is Principal Clerk of Newburgh-Beacon News Co., Inc., Publisher of The Evening News, a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published
 One Time
 in said newspaper, commencing on the 17th day of November A.D., 1972, and ending on the 17th day of November A.D., 1972

Subscribed and sworn to before me this
 17th day of November 1972

Olga Trachewsky

Robert F. Nacht

Notary Public of the State of New York, County of Orange.
 MY COMMISSION EXPIRES MARCH 30, 1974

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 72-22

Date: November 1, 1972

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) FOODMAKER, INC. of 1135 Union Avenue
(Street & Number)

Newburgh

New York

HEREBY MAKE

(State)

APPLICATION FOR A VARIANCE:

A. Location of the Property 371 New Windsor Highway, New Windsor, N.Y. 12550
(Street & Number) (Zone)

B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) 48-33A

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: This application pertains to a request for a sign which is both indicative and necessary to our operation.
2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: We feel a hardship is being created by virtue of the fact that we do not have proper identification
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: N/A

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: This is not
uncommon in this particular marketing area.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: This type sign
is not uncommon in this particular marketing area and because a variance
is designed to take into consideration circumstances such as this.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

A SIGN WITH DIMENSIONS INDICATED IN ATTACHMENT "A" IS REQUESTED AT
LOCATION 3 IN ATTACHMENT "B".

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 l&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: 11/3/72

William Palmer
Signature of Applicant

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 3rd day of November 19 72.

1135 UNION AVE, NEWBURGH NY
Address

914-564-1200
Telephone Number

Jane R. Farley
JANE R. FARLEY (Notary Public)
Notary Public, State of New York
County of Orange

Commission Expires March 30, 1973
Notary Reg. No. 166166

(DO NOT WRITE IN THIS SPACE)

Application No. 72-32
Date of Hearing 12/27/72
Date of Decision 12/19/72

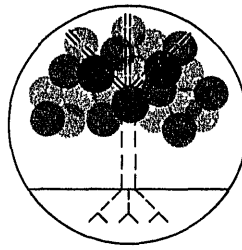
Date Received Nov. 1, 1972
Notice Published Nov. 17, 1972

DECISION:

Granted.

Department of Planning

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

December 6, 1972

Mr. Fred Wygant, Jr., Chairman
Zoning Board of Appeals
Town of New Windsor
Forge Hill Road
New Windsor, New York 12550

RE: Area Variance - Jack-in-the-Box
Route 32
Our File No. 72-342-M

Dear Mr. Wygant:

This office is in receipt of the above application, including a sketch of the sign and a copy of the site plan showing its proposed location. In accordance with the provisions of Sections 239 L and M of the General Municipal Law, we have made our review.

In April, 1971, we reviewed a request to erect a double-faced sign totaling about 72 square feet. According to this request, the total area of the sign is about 128 square feet (for both faces), which far exceeds the original request and the Town's present standard of all faces to be not more than 40 square feet. However, since many signs along Route 32 do not comply with this requirement, the request to erect a sign larger than presently permitted under the law does not seem to be an unreasonable one. The previous request does seem to be a more reasonable one which suggests that your Board refer back to 1971 and compare both requests prior to making a decision. At this point, our concern is to assure that the location of the sign will not pose any problems related to the highway.

Mr. Fred Wygant, Jr.

December 6, 1972

Page 2

In view of the above, we are leaving the matter of approving (or disapproving) the sign variance to be determined by your Board. Its location, on the other hand, should be a matter for the Department of Transportation, (they should comment on the placement of the sign in relation to the highway right-of-way width).

Very truly yours,

A handwritten signature in cursive script, reading "Peter Garrison".

Peter Garrison
Commissioner of Planning

Reviewed by:
Joel Shaw
Senior Planner

JS/bd

cc: Dominick Bello
Harry Palmer

Foodmaker, Inc.

Union Avenue MD 15, Newburgh, New York 12550, Phone: (914) 564-1200

December 1, 1972

Orange County Department of Planning
Goshen, N.Y.

Re: Jack-In-The Box # 2304
371 New Windsor Highway
New Windsor, N.Y. 12550

Dear Mr. Shore:

Thank you for the information you gave in our conversation today regarding our application for a Variance to have a Pylon sign installed at the above referenced location.

Per your request, you will find two sketches enclosed. Attachment A indicates the type sign desired and its dimensions. Location #3 on Attachment B is a planter area in which the sign would be located.

If I can be of further assistance, please call our Newburgh Office 564-1200.

Thank you.

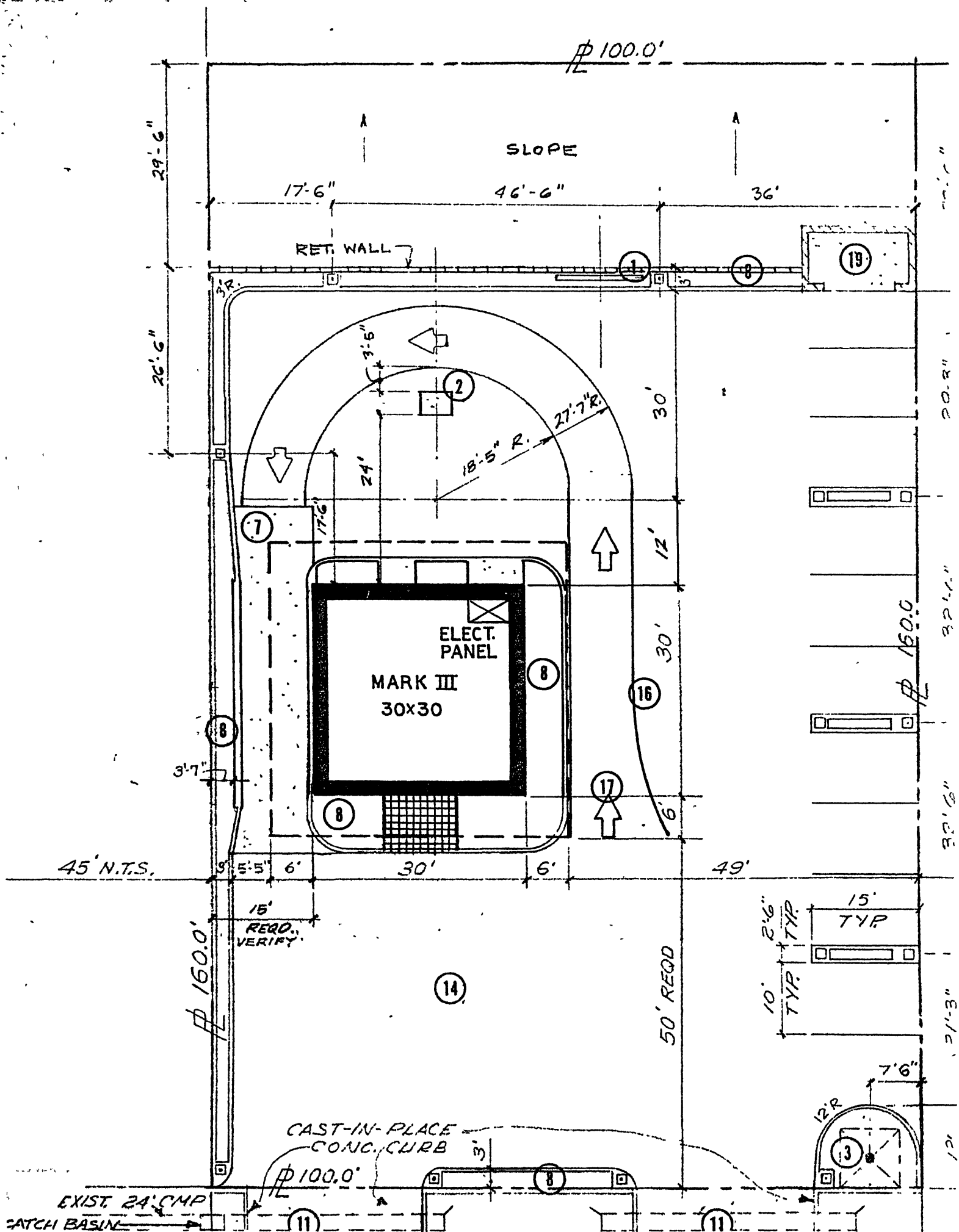
Very truly yours,

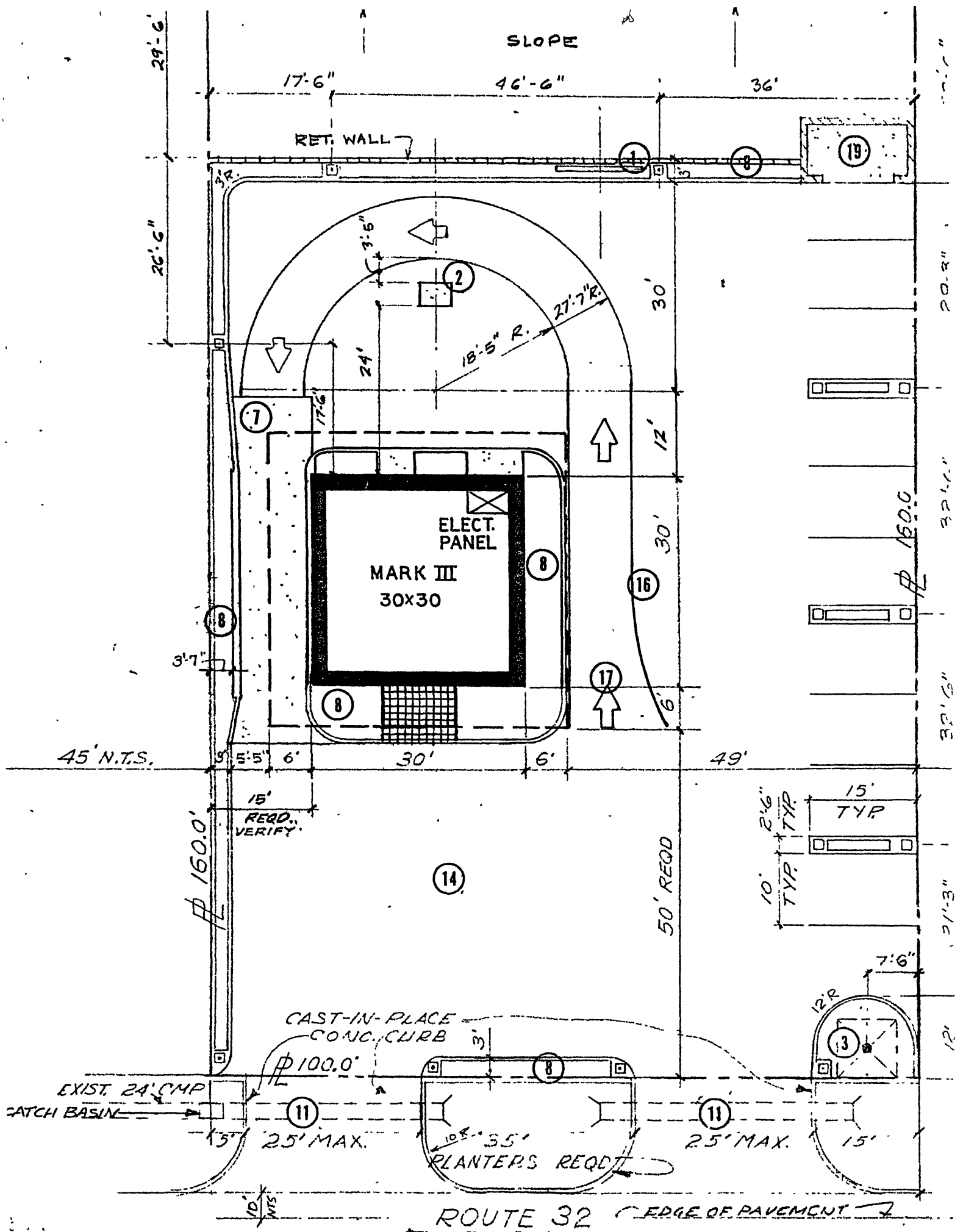


Harry Palmer
District Coordinator
Jack-In-The-Box Division

HP:ap

cc: New Windsor Zoning Board of Appeal ✓
Frank Lucatuorto
Dick Taveniere





TOWN OF NEW WINDSOR
555 Union Avenue
565-8808

DATE October 11, 1972

APPLICATION is hereby made for the following:

Agenda Service

✓ 1. Name FOODMAKER INC

Address 1135 Union Ave., Newburgh, N.Y. 12550

Telephone number (914) 564-1200

Are you the owner of the property? Yes

✓ 2. Briefly describe intention (or attach) and location of property:

Plan to erect a free standing pylon sign per attached blue-print at 371 New Windsor Highway, New Windsor, N.Y.

3. PLANNING BOARD

 Site Plan Preliminary Meeting

 Subdivision Preliminary Meeting

 Informational Meeting

AGENDA DATE

4. ZONING BOARD OF APPEALS

 Interpretation of Ordinance or Map

X Variance (Notify P/B - plans if necessary)

 Informational meeting

AGENDA DATE Oct 16 Per Wm G. [unclear]

5. BUILDING PERMIT

 Planning Board action needed

 Z.B.A. action needed

 Site plan needed

 Subdivision approval needed

 Water, Sewer and Highway action needed

✓ ACTION TAKEN:

I do hereby affirm that all fees, permits and charges
applicable under the laws and ordinances of the State of New

P.H.
Nov. 20th.
8 P.M.
22-22-

~~Not valid~~

X

APPLICATION is hereby made for the following:

Agenda Service

✓ 1. Name FOODMAKER, INC

Address 1135 Union Ave., Newburgh, N.Y. 12550

Telephone number (914) 564-1200

Are you the owner of the property? Yes

✓ 2. Briefly describe intention (or attach) and location of property:

Plan to erect a free standing pylon sign per attached blue-print at 371 New Windsor Highway, New Windsor, N.Y.

3. PLANNING BOARD

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AGENDA DATE

4. ZONING BOARD OF APPEALS

 Interpretation of Ordinance or Map

 X Variance (Notify P/B - plans if necessary)

 Informational meeting

AGENDA DATE Oct 16 For W. G. Gorman

5. BUILDING PERMIT

 Planning Board action needed

 Z.B.A. action needed

 Site plan needed

 Subdivision approval needed

 Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

Signed:

William Palmer DISTRICT COORDINATOR
(APPLICANT)

P.H.
Nov. 20th.
8p.m.
72-22-

Foodmaker, Inc.

Union Avenue MD 15, Newburgh, New York 12550, Phone (914) 564-1200

October 4, 1972

Town of Windsor
Department of Zoning
555 Union Avenue
New Windsor, New York 12550

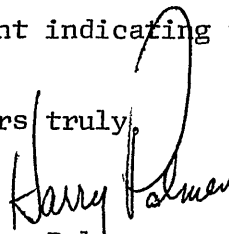
Attention: Mr. Collett

Dear Mr. Collett:

Please send me any forms and information necessary to apply for a permit to erect an additional sign at the Jack-In-The-Box Restaurant located at 371 New Windsor Highway.

Enclosed is a copy of a blueprint indicating the type of sign desired. Thank you.

Yours truly,



Harry Palmer
District Coordinator
Jack-In-The-Box Division

HP:ap
cc: D. Taveniere
F. Lucatuorto

Enclosures: 2

Foodmaker, Inc.

Union Avenue MD 15, Newburgh, New York 12550, Phone (914) 564-1200

November 3, 1972

Patricia Delio, Secretary
New Windsor Zoning Board of Appeal
7 Franklin Ave.
New Windsor, N.Y. 12550

Re: Jack-In-The-Box # 2304
371 New Windsor Highway
New Windsor, N.Y. 12550

Dear Mrs. Delio:

Please find enclosed the Public Notice of Hearing which has been prepared for the Public in the local newspapers before November 10, 1972.

Also enclosed are 2 copies of the Application of Variance the third copy has been sent to the Orange County Planning Board, Goshen, N.Y. A check for \$25.00 payable to the Town of New Windsor accompanies the application and a check for \$25.00 payable to Patricia Delio, Secretary is enclosed in payment for taking the Hearing's Minutes. A receipt for both checks is requested.

Certified letters to all residents and property holders within a radius of 500 ft. of the property in question will be mailed Tuesday, November 7, 1972, notifying them of a Request for Variance.

Very truly yours,



Harry Palmer
District Coordinator
Foodmaker, Inc.
Jack-In-The-Box Division

HP:ap

Attachments: 5



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

November 6, 1972

Mr. Harry Palmer

RE: Jack In The Box Property
Route 32
Vails Gate, New York 12584

Dear Mr. Palmer:

According to my records, the attached list of property owners are within the five hundred (500) feet of the area you inquired about.

The charge for this service is \$15.00. Please remit same to the Town Clerk, making the check payable to Town Clerk, Town of New Windsor.

Respectfully,

A handwritten signature in cursive script that reads "Ellsworth E. Weyant".

ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk

enc.



Jack in the Box Property

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Goldenarea Shopping Center, Inc.
C/O Transamerica R.E. Tax Service
66-05 Woodhaven Blvd.
Rego Park, New York 11374

The Windsor Building Supplies Co. Inc.
P.O. Box 27
Newburgh, New York 12550

Kropski, Henry & Walter
C/O Park Lane Furniture Co.
Box 115
Vails Gate New York 12584

Adams, Harold J.
Highland Avenue
Maybrook, New York

Lukacik, Robina G.
Vails Gate, New York 12584

The Vails Gate Fire Company
Route 94
New Windsor, New York 12584

Old Foreg Associates
C/O Joseph Kovacs
7 Old Jacksonville Road
Towaco, New Jersey 07082

Rosenberg, William & Viola
Florida, New York 10921

Respectfully submitted,

Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor